

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE

☐ Eastern (Jackson) DIVISION

☐ Western (Memphis) DIVISION

Simonia McChelle Thornton Cunningham  
Plaintiff,

vs.

The FedEx Corporation, Sedgwick  
Dr. James Varner, Dr. John Brophy  
Desoto Imaging, Fred W Smith Sr.  
Cigna Insurance  
Defendant.

No. \_\_\_\_\_

COMPLAINT

1. This action is brought for discrimination in employment pursuant to (check only those that apply):



Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (amended in 1972, 1978 and by the Civil Rights Act of 1991, Pub. L. No. 102-166) (race, color, gender, religion, national origin).

**NOTE:** In order to bring a suit in federal district court under Title VII, you must first obtain a right to sue letter from the Equal Employment Opportunity Commission.



Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 – 634 (amended in 1984, 1990, and by the Age Discrimination in Employment Amendments of 1986, Pub. L. No. 92-592, the Civil Rights Act of 1991, Pub. L. No. 102 -166)

**NOTE:** In order to bring a suit in federal district court under the Age Discrimination in Employment Act, you must first file charges with the Equal Employment Opportunity Commission.



Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 – 12117 (amended by the ADA Amendments Acts of 2008, Pub. L. No. 110-325 and the Civil Rights Act of 1991, Pub. L. No. 1102-166).

**NOTE:** In order to bring a suit in federal district court under the Americans with Disabilities Act, you must first obtain a right to sue letter from the Equal Employment Opportunity Commission.

### JURISDICTION

2. Jurisdiction is specifically conferred upon this United States District Court by the aforementioned statutes, as well as 28 U.S.C. §§ 1331, 1343. Jurisdiction may also be appropriate under 42 U.S.C. §§ 1981, 1983 and 1985(3), as amended by the Civil Rights Act of 1991, Pub. L. No. 102-166, and any related claims under Tennessee law.

### PARTIES

3. Plaintiff resides at:

5090 Thelma St Memphis TN 38109  
 STREET ADDRESS  
 Shelby TN 38109 (901) 949-2923  
 County State Zip Code Telephone Number

4. Defendant(s) resides at, or its business is located at:

FedEx Corporation 942 South Shady Grove Rd  
 STREET ADDRESS  
 Shelby Memphis TN 38120  
 County City State Zip Code

NOTE: If more than one defendant, you must list the names, address of each additional defendant.

The FedEx Corporation 3851 Airways Blvd Mphs TN 38116  
 Sedgwick Claims Management Services Mphs TN 38120  
 The FedEx Corporation Dangerous Goods Dept  
 3131 Democrat Rd Mphs TN 38118  
 Sedgwick Claims Management Service  
 1100 Ridgeway Loop Rd Mphs TN 38120  
 Dr. C. Varner MD 391 Southeast Circle #205  
 Southaven Ms. (Memphis Ortho Group)  
 Dr. D. Brophy MD Semmes Murphey Neurologic & Spine  
 Institute 6325 Humphreys Blvd Memphis TN 38120

5. The address at which I sought employment or was employed by the defendant(s) is:

The FedEx Corporation 3851 Airways Blvd Mphs

Shelby Memphis TN 38116  
County City State Zip Code

6. The discriminatory conduct of which I complain in this action includes (*check only those that apply*)

- ☐ Failure to hire  
☐ Termination of my employment  
☐ Failure to promote  
☒ Failure to accommodate my disability  
☐ Unequal terms and conditions of my employment  
☒ Retaliation  
☒ Other acts(*specify*): Civil Rights

**NOTE:** Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court.

7. It is my best recollection that the alleged discriminatory acts occurred on:

11/07/2015  
Date(s)

8. I believe that the defendant(s) (*check one*):

- ☒ is still committing these acts against me.  
☐ is not still committing these acts against me.

9. Defendant(s) discriminated against me based on my:

(*check only those that apply and state the basis for the discrimination. For example, if religious discrimination is alleged, state your religion. If racial discrimination is alleged, state your race, etc.*)

Fall on A Metal Floor, A Disability  
Created by this Company which I represented.  
I am damaged, I am disabled.

☐ Race \_\_\_\_\_

☐ Color \_\_\_\_\_

☐ Gender/Sex \_\_\_\_\_

☐ Religion \_\_\_\_\_

☐ National Origin \_\_\_\_\_

☒ Disability \_\_\_\_\_

☒ Age. If age is checked, answer the following:

I was born in Memphis TN. At the time(s) defendant(s) discriminated against me.

I was [ ] more [ ☒ ] less than 40 years old. (check one)

**NOTE:** Only those grounds raised in the charge filed the Equal Employment Opportunity Commission can be considered by the federal district court.

10. The facts of my case are as follows:

I was in the Act of Returning to the FedEx Corporation, which had the potential of earning \$94,000 plus. I did not have the proper medical care, but attempted to return to a position bidden on and interviewed for. I was fired one week later. I had given the proper papers to show I was still disabled, but wanted my job. I had fallen on a Metal Floor Backwards, My Cigna Insurance was dropped from me, My Workman's Compensation was torn away from me, then offered back April of 2017, after months of no money. My sister had to care for me. I am 47 years old. I asked to be placed in the area FedEx have for disabled Individuals, but was denied over the phone by Human Resource Representative, that promised the Flight Specialist job was mine. I offered them training accommodations with my resume, to a flight school in Missouri if they felt I needed more. The FedEx Corporation/Sedgewick offered me \$3,200 and \$600 for the attorney at the time. (Attach additional sheets as necessary) I refused the offer April 2017.

**NOTE:** As additional support for your claim, you may attach to this complaint a copy of the

*charge filed with the Equal Employment Opportunity Commission or the Tennessee Human Rights Commission.*

11. It is my best recollection that I filed a charge with the Tennessee Human Rights Commission regarding defendant's alleged discriminatory conduct on: \_\_\_\_\_
12. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct on: 2/20/17.  
Date

**Only litigants alleging age discrimination must answer Question #13.**

13. Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct. (*check one*):

- ☐ 60 days or more have elapsed
- ☐ Less than 60 days have elapsed.

14. The Equal Employment Opportunity Commission (*check one*):

- ☐ has not issued a Right to Sue Letter.
- ☒ has issued a Right to Sue letter, which I received on 8/31/17.  
Date

**NOTE:** This is the date you received the Right to Sue letter, not the date the Equal Employment Opportunity Commission issued the Right to Sue letter.

15. Attach a copy of the Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.

**NOTE:** You must attach a copy of the right to sue letter from the Equal Employment Opportunity Commission.

16. I would like to ~~have~~ my case tried by a jury:

- ☒ Yes
- ☐ No

WHEREFORE, plaintiff prays that the Court grant the following relief:

☐ direct that the Defendant employ Plaintiff, or

☐ direct that Defendant re-employ Plaintiff, or

☐ direct that Defendant promote Plaintiff, or

☒ order other equitable or injunctive relief as follows: \$1236,000,000 Civil Rights

☒ Pain and Suffering Everyday All Day and for those dead. Failure to give me justice ruining my life.  
direct that Defendant pay Plaintiff back pay in the amount of \$21,000,000 and interest on back pay;

☒ direct that Defendant pay Plaintiff compensatory damages: Specify the amount and basis for compensatory damages: \$123,600,000  
Life Time Medical Benefits, Income Payment to Sister, Punitive Damages, Emotional Distress, Social Security Denied Income, Failure to accommodate me in my disability when it happened or latter.  
Shonnja McChelle Thornton Cunningham  
SIGNATURE OF PLAINTIFF

Date: 11/27/2017

5090 Thelma cv

Address

Memphis TN 38109

(901) 949-2923

Phone Number